

SECTION 9 DEVELOPMENT STANDARDS

9.1 Standards Protecting Agriculture (Plan Policy 1)

9.1.1 Purpose. The purpose of this section is to provide standards implementing Policy 1 of the Four Corners Community Plan, protecting the right to farm and ranch.

9.1.2 Agricultural Water Conveyance Facilities

- A. Identification of Agricultural Water Conveyance Facilities.** Any proposed Development requiring a Land Use Permit shall identify all Agricultural Water Conveyance Facilities located on the property or, if located off-site, those Agricultural Water Conveyance Facilities located within 50 feet of the Development requiring the LUP.
- B. Acknowledgment of contact with irrigation entity.** Any proposed Development requiring a LUP within 50 feet of the centerline of an Agricultural Water Conveyance Facility shall submit with their LUP application acknowledgment of contact with the appropriate water users and/or Agricultural Water Conveyance Facility's authorized representatives. Those users or representatives have 30 days to respond; if no response is received, the application may proceed. A model acknowledgment form is included in Appendix A. If a subdivision has addressed impacts to an Agricultural Water Conveyance Facility through the subdivision review process, the applicant may substitute that evidence with a Land Use Permit Application for an acknowledgement form.
- C. Stormwater or snowmelt Runoff.** Unless there is written consent from the appropriate water users and/or Agricultural Water Conveyance Facility's authorized representatives, any proposed Development requiring a LUP shall be designed and developed so stormwater, snowmelt Runoff, water from dewatering activities, or other water originating from within the boundaries of the subdivision, does not run into or become captured by any Agricultural Water Conveyance Facility.
- D. Modifications of water transmission.** Unless there is written consent from the appropriate water users and/or Agricultural Water Conveyance Facility's authorized representatives, there shall be no interference or obstruction in the transmission of water in any Agricultural Water Conveyance Facility.. Before any maintenance, improvements, crossings, or modifications are performed on any Agricultural Water Conveyance Facility, the appropriate water users and/or Agricultural Water Conveyance Facility's authorized representatives must give written permission for the work to be done.

9.1.3 Fencing. All new subdivisions shall be fenced to prevent conflict with any existing agricultural operations on neighboring properties. Providing legally adequate fencing

shall be the responsibility of the developer, and the continuing maintenance of all such fencing shall be the responsibility of the owner or property owners' association.

9.2 Standards For Land Use Compatibility (Plan Policy 2)

9.2.1 Purpose. The purpose of this section is to implement the Four Corners Community Plan Policy 2, which encourages a variety of compatible uses, and Policy 9.1, encourage lighting that protects the night sky.

9.2.2 Connections. All uses shall be designed, where possible, to share connections with adjoining uses to facilitate traffic flow, allow for functional pedestrian connections, and access for emergency vehicles.

9.2.3 Outdoor Lighting Standards. The outdoor lighting standards apply to new commercial, industrial, or Residential construction except as follows.

A. **Exemption.** The following uses are exempt from the lighting standards:

- i.* Agricultural Structures and uses;
- ii.* Single-family Residential uses on Parcels two acres or greater;
- iii.* Structures in platted subdivisions with existing covenants addressing lighting standards;
- iv.* Lighting for temporary seasonal displays;
- v.* Lighting for public safety.

B. Lighting Standards:

- i.* Lighting fixtures must be selected, located, aimed, and shielded so that direct illumination is focused exclusively on the Structure façade, landscape, or other intended site feature and away from adjoining properties and the public right-of-way;
- ii.* Flag pole lights may be illuminated by one upward aimed, fully shielded spotlight fixture.

C. Prohibited Outdoor Lighting:

- i.* Blinking, flashing, moving, revolving, flickering, changing intensity or color, and chase lighting;

- ii.* Any light fixture that may be confused with or construed as a traffic control device;
- iii.* Any upward oriented lighting except as otherwise provided for in this section;
- iv.* Searchlights, beacons, and laser source fixtures.

9.2.4 **Road Improvements.** The following standards mitigate the impact of high-traffic uses on roads.

- A. **Average Daily Traffic (ADT).** ADT for Lots approved for multi-family Development and/or commercial Development shall be determined based on the figures from the most current volume of the Institute of Traffic Engineers (ITE) Manual;
- B. **Traffic Impact Studies.** Uses generating 500 ADT or more shall be required to provide a Traffic Impact Study (TIS) to identify impacts from the proposed use with a LUP application and shall provide mitigation as identified by the TIS prior to obtaining a Certificate of Occupancy. Where required, a TIS shall comply with the process requirements of the Gallatin County Subdivision Regulations;
- C. **Greater Bozeman Area Transportation Plan.** All uses and subdivisions requiring improvements to County roads shall refer to the current adopted version of the Greater Bozeman Area Transportation Plan for road improvement design standards.

9.2.5 **Landscaping.** Landscaped Buffers are used to mitigate impacts of adjacent land uses of differing intensity.

A. Projects Requiring a Landscaped Buffer:

- i.* New subdivision;
- ii.* New construction of twelve or more Dwelling Units in multi-family Structures; or
- iii.* New Construction of 15,000 or more square feet of Office, Retail, Personal and Business Service, or industrial uses; or
- iv.* New Construction of more than one building on one site for Office, Retail, Personal and Business Service, industrial uses, or combinations of uses; or
- v.* New use utilizing 10,000 or more square feet of exterior storage materials or goods; or
- vii.* Expansion of any of the above-mentioned uses by more than 1,000 square feet.

B. Minimum Landscape Buffer Requirements.

- i. *Width.* The widths of required Landscape Buffers vary with the nature of the uses being separated. See Table 9.1.
- ii. *Existing Landscaping.* Retention of existing landscaping (trees and shrubs meeting the definition of 9.2.5.B.iii.a through e) is required.
- iii. *New Landscaping.* The Landscape Buffer shall contain at least one of the following groups of plant materials at a minimum average density of one group for each fifty linear feet:
 - a. One Large Canopy Tree and one Large Non-Canopy Tree; or
 - b. One Large Canopy Tree and two Small Trees; or
 - c. One Large Canopy Tree and five evergreen shrubs; or
 - d. One Large Canopy Tree, one Small Tree, and two large evergreen shrubs; or
 - e. Two Large Non-Canopy Trees and one Small Tree.
- iv. *Fences/Walls.* Fences or walls shall be opaque and at least six feet in height. The fence or wall shall be on the interior side of the buffer, placing landscaping nearest neighboring properties.

C. Landscape Buffer Width Exceptions.

- i. Where a Lot is 40 feet wide or less, Landscape Buffer widths may be reduced by half or waived if adjacent landowners provide agreement in writing. In situations where multiple adjoining Lots are owned by the same owner and treated as a single Lot whose outer Lot lines exceed 40 feet wide, Landscape Buffers on the outer Lot lines must meet the full buffer requirement.
- ii. Landscaped Buffers shall not be required if the proposed use results in industrial and/or commercial uses where rear yards are adjacent/adjoining.
- iii. Landscape Buffers between new commercial and existing, adjacent Agriculture only apply to agricultural uses with Residential Structures within 20 feet of the adjacent property line.

D. Buffer Width Reduction: Additional Plantings. Minimum Landscape Buffer widths may be reduced where a greater density and diversity of plantings is included in the Landscape Buffer. The reductions allowed by this section are cumulative and may result in a total reduction of up to 30%.

- i. Large Canopy or non-Canopy Trees.* The required Landscape Buffer width shall be reduced by 10% where five or more Large Canopy or Large non-Canopy Trees per hundred lineal feet are planted or retained.
 - ii. Small Trees.* The required Landscape Buffer width shall be reduced by 10% where five or more understory Trees per hundred lineal feet are planted or retained.
 - iii. Shrubs.* The required Landscape Buffer width shall be reduced by 10% where 20 or more shrubs per hundred lineal feet are planted or retained.
- E. **Landscape Buffer Crossings/Inclusions.** Required Landscape Buffers may be crossed by access drives, utility lines, sidewalks, and pedestrian trails. Pedestrian trails and buried utility lines and Allowed Freestanding Signs may be located in required Landscape Buffers. Outdoor sales or storage shall not be allowed within a required Landscape Buffer.

Table 9.1 - Landscaped Buffer Requirements

The following table applies to new subdivision and to construction meeting the criteria of 9.2.5.A. When uses are mixed in the same Structure, the lower minimum buffer width applies. For the purposes of this table, institutional uses are treated as commercial. Proposed uses adjacent to existing agricultural uses shall not be required to provide buffering.

<u>Proposed Use</u>	<u>Existing Adjacent Use</u>	<u>Minimum Buffer Width</u>	<u>Fence or Wall?</u>
Industrial	Residential	40	Yes
Industrial	Agriculture	40	Yes
Industrial	Commercial, general	10	No
Industrial	Public Road	10	No
Commercial, general	Industrial	10	No
Commercial	Residential	20	No
Commercial	Agriculture	20	No
Commercial outdoor materials storage, handling, or sales area, over 10,000 square feet	Residential	30	Yes
Commercial outdoor materials storage, handling, or sales area, over 10,000 square feet	Agriculture	30	Yes
Commercial, general	Public Road	10	No
Residential	Industrial	40	No
Residential	Commercial, general	20	No
Residential	Commercial outdoor materials storage, handling, or sales area, over 10,000 square feet	30	No
Residential construction meeting the criteria of 7.2.5.A	Single-Family or Duplex Residential	20	No
Residential construction meeting the criteria of 7.2.5.A	Agriculture	20	No
Single-Family or Duplex Residential	Residential construction meeting the criteria of 9.2.5.A	20	No

9.2.6 Home-Based Businesses. A Home-Based Business shall meet the following standards:

- A. The Home-Based Business shall not change the residential character of the Lot or adversely affect adjacent properties or the uses allowed in the district.
- B. All vehicles, materials, and solid waste related to the Home-Based Business must be located within Structures or screened from view.
- C. All parking shall be provided on site.

9.2.7 Home Occupations. A Home Occupation shall meet the following standards:

- A. No one residing off premises may be employed (for work related to the occupation), on the premises of a Home Occupation.
- B. All parking shall be provided on site.

| 9.2.8 Opencut Operations. Opencut Operations shall obtain a CUP pursuant to Section 2.4-5 and shall comply with the following standards:

- A. **Location.** No new Opencut Operations or expansion of an existing Opencut Operation within the RR/A or LDRR/A Sub-Districts shall be located within ½ mile of an existing Residential Structure within the RR/A or LDRR/A Sub-Districts. The distance shall be measured from the outer edge of the proposed Opencut Operation to the closest edge of the neighboring Residential Structure.
 - i. *Exemption.* If all residents in the RR/A or LDRR/A Sub-Districts within ½ mile of a new Opencut Operation, or expansion of an existing Opencut Operation, in the RR/A, LDRR/A, or NC Sub-Districts support the location of an Opencut Operation in writing, the County Commission may waive this standard, Opencut Operation may be allowed with an approved CUP.
- B. **Renewal of Existing Operations.** If permits on file with the State Department of Environmental Quality expire, the Opencut Operation may renew the terms of the original permit without obtaining a CUP. Expansion of an existing Opencut Operation requires a CUP pursuant to Section 2.5.
- C. **On-Site Opencut Operations.** On-site, non-commercial Opencut Operations are exempt from Section 9.2.8 and are not required to obtain a CUP.

9.3 Standards For the Environment (Policies 3 and 8)

9.3.1 Purpose. The purpose of this section is to implement Four Corners Community Plan Policy 3, support the provision of parks, recreation, trails, and Open Space, and Policy 8, support constraints-based planning with emphasis on sustainability and suitable mixed-

use Developments. This section sets out standards for the protection of Watercourses, Wetlands, and Open Space.

9.3.2 Watercourses.

A. Construction setbacks to the Gallatin River. A 300-foot setback shall be provided between the ordinary high water mark and any new Structures requiring a Land Use Permit, excluding Structures used for agricultural purposes or the maintenance of livestock. Other exceptions are detailed in Section 9.3.2.D below.

i. Construction Setbacks in the Rainbow Subdivision. A 150-foot setback shall be provided between the ordinary high water mark and any new Structures requiring a Land Use Permit in the Rainbow Subdivision, excluding Structures used for agricultural purposes or the maintenance of livestock.

B. Construction setbacks to other Watercourses. A 150-foot setback shall be provided from the ordinary high water mark of all other Watercourses for any new Structures requiring a Land Use Permit, excluding Structures used for agricultural purposes or the maintenance of livestock. This setback does not apply to Agricultural Water Conveyance Facilities.

ii. Construction setbacks in the Rainbow Subdivision. A 75-foot setback shall be provided from the ordinary high water mark of all other Watercourses for any new Structures requiring a Land Use Permit in the Rainbow Subdivision, excluding Structures used for agricultural purposes or the maintenance of livestock. This setback does not include Agricultural Water Conveyance Facilities.

C. Retention of existing vegetation. Riparian areas and existing vegetation along Watercourses shall be maintained to the maximum extent possible.

9.3.3 Wetlands.

A. Wetlands Delineation. A wetlands delineation prepared in accordance with the current guidelines of the Army Corps of Engineers must accompany the following applications:

- i.* The subdivision of land in compliance with Title 76, Chapter 3, MCA;
- ii.* Land Use Permits for construction activity requiring any of the following permits:
 - a. Montana Stream Protection Act (SPA 124 Permit);
 - b. Stormwater Discharge General Permit;
 - c. Montana Natural Streambed and Land Preservation Act (310 Permit);

- d. Montana Floodplain and Floodway Management Act (Floodplain Development Permit);
- e. Federal Clean Water Act (404 Permit);
- f. Federal Rivers and Harbors Act (Section 10 Permit);
- g. Montana Land-Use License or Easement on Navigable Waters.

B. Wetland Protection Standards. The following standards shall apply to all Wetlands:

- i. *Location in Open Space.* Open Space shall include all delineated Wetlands (see Section 9.3.4 for Open Space standards);
- ii. *Setback.* A 35-foot setback shall be provided between all Wetlands and any new Structures requiring a Land Use Permit, with the exception of:
 - a. Structures used for agricultural purposes or for the maintenance of livestock; and
 - b. Structures built on Lots platted in the Rainbow Subdivision.
- iii. *Alterations.* Wetlands may be altered if federal and state permits are obtained, or if permits are not required, compliance with all federal and state guidelines. All altered and newly-created Wetlands shall meet the standards of Section 9.3.3.

C. Exemptions. Exemptions to Section 9.3.3 are as follows:

- i. Wetlands may be modified for necessary utility lines, roads, driveways, and trails, provided that all state and federal permits are obtained.
- ii. Structures used for agricultural purposes or the maintenance of livestock, as well as docks, decks, and boathouses, are exempt from these requirements.

9.3.4 Open Space.

A. Open Space Standards. Open Space shall be permanently protected and shall meet the following standards:

- i. Open Space shall provide effective corridors through proposed Development for both wildlife movement and/or trails;
- ii. Where possible, Open Space shall be designed to be contiguous to Open Space in adjacent Developments;

- iii. Open Space should include wildlife habitat, riparian areas (including land set aside in Watercourse setbacks), and Wetlands;
 - iv. Open Space calculations shall not include road rights-of-way, Parking Areas, Structures (unless associated with Agriculture or with recreation intended to be used or managed by the property owners' association) required Landscape Buffer areas, or land within individually owned Lots (unless meeting the requirements of 9.3.4.B.iv below);
 - v. Maintenance of designated Open Space shall be the responsibility of the property owners' association or, in the case of 9.3.4.B.iv, individual Lot owners.
- B. Methods of Preserving Open Space.** Open Space shall be permanently protected and may be held in one of the following ways:
- i. Open Space Parcel dedicated to the property owners' association;
 - ii. A park dedication according to the requirements of the Gallatin County Subdivision Regulations;
 - iii. A perpetual conservation easement restricting Development of the Open Space and allowing Open Space uses as provided above and granted to an organization acceptable to the County Commission;
 - iv. An individual Parcel owned by an individual Lot owner or other third party, dedicated as permanent Open Space on the plat and meeting all requirements of 9.3.4.A above.

9.4 Standards Promoting a Quality Streetscape (Policy 7)

- 9.4.1 Purpose. The purpose of this is to implement Policy 7 of the Four Corners Neighborhood Plan, "Promote a quality streetscape".
- 9.4.2 Standards for New Structures Adjacent to Jackrabbit Lane (Highway 85), Huffine Lane (Highway 191), and Highway 191 south of Four Corners. The following standards apply to new Structures (both buildings and parking lots).

A. Parking to Side or Rear of Structures.

- i. *Parking Lot Design.* Parking for new Structures requiring a Land Use Permit shall not be located more than two rows deep between the primary Structure and Jackrabbit Lane, Huffine Lane, or Highway 191 Lane south of Four Corners. Other necessary parking shall be placed to the side or rear of Structures.

- ii. *Exception:* New Structures requiring a Land Use Permit at the intersection of Huffine Lane and Jackrabbit Lane are exempted from Section 9.4.2.i.
- B. **Connections.** New subdivision and construction of new Structures requiring a Land Use Permit shall design traffic and pedestrian connections, such as sidewalks and trails, between Lots and buildings, including, but not limited to, shared drives, and multiple and/or shared access points.
- C. **Pedestrian Trails/Sidewalks.** Pedestrian trails and sidewalks shall be constructed to connect pedestrians to the entrance of buildings from sidewalks or trails along any frontage roads and from parking lots.
- D. **Exceptions.** A new use in an existing Structure does not need to meet the standards of Section 9.4.2.

9.4.3 Signs. Standards for Signs are as follows:

- A. **Standards for Signs on property fronting Jackrabbit Lane (State Highway 85), Huffine Lane (State Highway 191), Norris Road (State Highway 84) and Highway 191 south of Four Corners.**
 - i. *Building Signs.* There are no requirements for Signs on buildings.
 - ii. *Temporary Signs.* There are no requirements for Temporary Signs.
 - iii. *Freestanding Signs.*
 - a. On-Premise Freestanding Signs. One on-premise Freestanding Sign is allowed for each Lot or. For Lots fronting more than one road listed in 9.4.3.A, one on-premise Freestanding Sign is allowed per road frontage.
 - b. Off-Premise Freestanding Signs. One Off-Premise Freestanding Sign shall also be allowed per Lot. For Lots with more than 300 linear feet of road frontage, one Off-Premise Freestanding Sign is allowed every 300 linear feet.
 - 1. *Height.* Maximum height of all Freestanding Signs shall be 30 feet measured from the base of the nearest road edge.
 - 2. *Square Footage.*
 - a. On-premise Freestanding Signs shall not exceed a maximum square footage of 240 square feet per Sign Face.
 - b. Off-Premise Freestanding Signs shall not exceed a maximum square footage of 96 square feet per Sign Face.

- iv. *Master Signs.* Buildings or clusters of buildings having more than one tenant or use, multi-tenant condo associations, and multi-Lot incorporated property owners associations may utilize a Master Sign for the entire Structure or project. If a project has more than one entrance, Master Signs may be utilized at each entrance.
 - a. Height. Maximum height of all Master Signs shall be 30 feet measured from the base of the nearest road edge.
 - b. Square Footage. Master Signs shall not exceed a maximum square footage of 240 square feet of Sign Area per Sign Face.
 - c. Height for other Signs within multi-Lot Developments. Lots within a multi-Lot Development utilizing a Master Sign may have one On-Premise Free-Standing Sign up to 30 feet in height measured from the base of the nearest road edge.
 - d. Square Footage of other Signs within multi-Lot Developments. Lots within a multi-Lot Development utilizing a Master Sign may have one on-premise Free-Standing Sign with a Sign Area of up to 96 square feet per Sign Face.

B. Standards for Signs on property fronting all other roads in the District.

- i. *Building Signs.* There are no requirements for Signs on buildings.
- ii. *Temporary Signs.* There are no requirements for Temporary Signs.
- iii. *Free-Standing Signs.*
 - a. On-Premise Freestanding Signs. One on-premise Freestanding Sign is allowed per Lot. For Lots with more than 400 linear feet of road frontage, one on-premise Freestanding Sign Is allowed every 400 linear feet.
 - b. Off-Premise Freestanding Signs. One Off-Premise Sign shall also be allowed per Lot. For Lots with more than 400 linear feet of road frontage, one off-premise Freestanding Sign is allowed every 400 linear feet.
 - 1. *Height.* Maximum height of all Free-Standing Signs shall be 25 feet measured from the base of the nearest road edge.
 - 2. *Square Footage.* On-premise Freestanding Signs shall not exceed a maximum square footage of 96 square feet of Sign Area per Sign Face.

- iv. **Master Signs.** Buildings or clusters of buildings having more than one tenant or use, multi-tenant condo associations, and multi-Lot incorporated property owners associations may utilize a Master Sign for the entire Structure or project.
 - a. Height. Maximum height of all Master Signs shall be 23 feet measured from the base of the nearest road edge.
 - b. Square Footage. Master Signs shall not exceed a maximum square footage of 96 square feet of Sign Area per Sign Face.
 - c. Height for other Signs within multi-Lot Developments. Lots within a multi-Lot Development utilizing a Master Sign may have one on-premise Free-Standing Sign up to 30 feet in height measured from the base of the nearest road edge.
 - d. Square Footage of other Signs within multi-Lot Developments. Lots within a multi-Lot Development utilizing a Master Sign may have one on-premise Free-Standing Sign with a Sign Area of up to 96 square feet of Sign Area per Sign Face.
- v. *Prohibited Signs.* The following Signs are prohibited:
 - a. Flashing, blinking, or moving Signs.
 - b. Spotlights or other fixtures used for the illumination of a Sign constituting a nuisance or a traffic hazard, including, but not limited to light sources not shielded from the direct line-of-sight view of passing motorists.

9.4.4 Commercial Outdoor Sales and Storage. Standards for commercial outdoor storage and display, including but not limited to car dealerships and implement dealers, are as follows:

- A. **Landscaped Buffers.** All commercial outdoor sales and display must comply with the Landscaped Buffers of Section 9.2.5.B. Outdoor sales and display shall not be located in any required yard or buffer.